

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Oji Konata Markham,

Civ. No. 19-3110 (WMW/BRT)

Petitioner,

v.

ORDER

Vicki Janssen,

Respondent.

Petitioner, Oji Konata Markham, filed a Motion to Expand the Record on March 13, 2020. (Doc. No. 17.) Therein, Petitioner requests that the Court order the record expanded pursuant to Rule 7 of the Rules Governing § 2254 Cases to include various materials from his trial including, for example, “defendant’s handwritten motions filed February 26, 2016, May 20, 2016, June 22, 2016, [and] June 27, 2016.” (*Id.*) Petitioner argues that these materials are necessary because “[a] focus on what the jury did not know establishes the substantial likelihood of a different outcome at a new trial.” (*Id.* at 3.) Petitioner believes that errors by counsel during his trial had a serious effect on the inferences the jury drew from the evidence presented. (*Id.* (citation omitted).)

Rule 7 provides that “[i]f the petition is not dismissed, the judge may direct the parties to expand the record by submitting additional materials relating to the petition.” SECT 2254 Rule 7(a). As the advisory notes to Rule 7 observe, most petitions are dismissed either summarily or after a response has been made, and of those that remain, a

majority require an evidentiary hearing. The purpose of Rule 7 is to “to enable the judge to dispose of some habeas petitions not dismissed on the pleadings, without the time and expense required for an evidentiary hearing.” SECT 2254 Rule 7, advisory committee’s note.

Here, a Response was filed (Doc. No. 14) requesting that the Court dismiss the Petition because Petitioner’s claims either lack support in the law or are procedurally barred. At this time, it is not clear that the documents Petitioner seeks to add to the record are relevant to the Court’s analysis of those issues. Accordingly, the Court will deny Petitioner’s present motion without prejudice. If a need for the documents Petitioner requests arises in the future, the Court will revisit the issue at that time.

Accordingly, **IT IS HEREBY ORDERED** that Petitioner’s Motion to Expand the Record (**Doc. No. 17**) is **DENIED**.

Dated: April 15, 2020


s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge